

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

EDGARDO NICOLAS MARTINEZ PEREZ

Case No. 16-05934  
Chapter 13

Debtors

**JOINT STIPULATION BY AND BETWEEN THE DEBTOR  
AND MRS. CARMEN LUISA SEIJO CRUZ**

**COME NOW**, Mrs. Carmen Luisa Seijo Cruz and Edgardo Nicolás Martínez Pérez (the “debtor”) (collectively, the “Parties”) by and through their respective undersigned counsels and very respectfully submit this stipulation (the “Stipulation”).

**Jurisdiction and Venue**

1. This Court has jurisdiction over this Stipulation under 28 USC §157 and 1334. This matter is a core proceeding within the scope of 28 USC §157 (b)(2).

2. Venue of this proceeding and of the Motion is proper in this district pursuant to 28 USC §1408 and 1409.

**Background**

3. The debtor filed a voluntary petition for relief under the Chapter 13 of the Bankruptcy Code on July 27<sup>th</sup>, 2017.

4. Mrs. Carmen Luisa Seijo Cruz is the debtor’s ex-wife and a creditor in the instant case. The debtor and Mrs. Seijo Cruz have a claim in the Court of First Instance of Puerto Rico, San Juan Section (hereinafter referred as the “State Court”), under case number K AC2014-0953 regarding the division of the community property.

5. In the above-mentioned case, the Debtor is claiming his rights and/or credits for the payments made after the dissolution of the marriage, in relation to the existing credits of the “sociedad legal de gananciales” at the moment. On the other hand, Ms. Seijo is claiming the distribution of assets in equal proportion. Thus, each party has the right to claim credits against each other according to law. In case either party is not in conformity with all or some of the credit or credits the other party is claiming against him or her; the issue will be judged and solve by the state court.

6. Accordingly, the amounts owed to Mr. Martinez or Mrs. Seijo, if any, will be awarded by the state court.

**Stipulation**

7. The parties hereby agree to comply with all the requirement to sell the abovementioned real properties.

8. That after the payment of expenses such as real estate broker, notary fees and cancellation of lien, the capital gain from the sale of the properties will be deposited to the Chapter 13 Trustee José R. Carrión Morales.

9. That the amount of \$10,000.00 will be deposited to Mrs. Seijo Cruz. This deposit will be made the same date the real property located at Reparto de Pilar is sold, for the sole purpose of facilitating her move to another property.

10. That the remaining balance of the capital gain from the sale of the properties will be guarded by the Chapter 13 Trustee José R. Carrión Morales until this Honorable Court awards the proper distribution of funds.

11. That the parties recognize that the funds deposited in the Chapter 13 Trustee account are presumed to be owned in equal proportion by Ms. Seijo Cruz and the debtor, but the credits

claimed by one or the other might result in a different proportion, to be determined by the State Court. Accordingly, in case the above-captioned case is dismissed, the capital gain from the sales of the real properties will be consigned in the State Court.

**WHEREFORE**, the Parties respectfully request that the Stipulation set forth herein be approved and an Order be entered accordingly.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 24<sup>th</sup> day of September 2018.

**NOTICE TO ALL PARTIES IN INTEREST** Within **twenty-one (21) days** after service as evidenced by the certification, and an additional **three (3) days** pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. If no response is filed within the prescribed period of time the Court may enter an order granting the relief herein requested.

**CERTIFICATE OF SERVICE:** I hereby certify that this 4<sup>th</sup> day of August 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all the system's participants including the U.S. Trustee's Office and the Trustee. I hereby certify that I have mailed by United States Postal Service a copy of this motion to the all of the creditor included in the attached Master Address List.

**LEGAL COUNSEL FOR CREDITOR:**

  
/s/ Carlos Alberto Ruiz, Esq.

USDQ- PR 210009

Attorney for Creditor

**Carlos Alberto Ruiz Law Office, CSP**

P.O. Box 1298

Caguas, PR 00726-1298

Tel: (787) 286-9775 Fax: (787) 747-2174

carlosalbertoruizquiebras@gmail.com

**LEGAL COUNSEL FOR DEBTOR:**

**s/ William Rivera Vélez**

William Rivera Vélez

USDC No. 229408

OSVI Office Complex

Esq. Ave. Américo Miranda 400

Edif. Original, Local B

San Juan, PR 00927

Tel. (787) 625-1948 / (787) 469-8913

Fax. 787-625-1949

E-mail: wrvlaw@gmail.com